United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Human Resources Management Center
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In Reply Refer To:
1400-511.8 (HR-210)**P**

May 4, 2000

EMS TRANSMISSION

Information Bulletin No. HR-2000-092

To: Servicing Personnel Offices

From: Director, National Human Resources Management Center

Subject: Classification Appeal Decision - Geologist, GS-1350-13

Attached is the Bureau's Classification Appeal Decision. The decision sustains the current classification of the position, Geologist, GS-1350-13.

Please review all similar or like positions and apply the findings within this decision accordingly. Any questions pertaining to this decision may be addressed to Mark Whitesell, 303-236-6702.

Signed:
Linda Sedbrook
Director

Authenticated:
Darlene Robitaille
Secretary

1 Attachment
1 - Classification Appeal Decision (8 pp)

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HR-210

BUREAU OF LAND MANAGEMENT (BLM)
CLASSIFICATION APPEAL DECISION

Appellant: Xxxxx X. Xxxxx

Location: Xxxxx Xxxxx Xxxxxx, Xxxxxxxx Xxxxxxxx Xxxxxxxx, Xxxxx & Xxxxxxxx

Current Classification: Geologist, GS-1350-13

Background: In 1983, the appellant was promoted from a Geologist, GS-1350-12 to a BLM Senior Technical Specialist (STS) field position Geologist, GS-1350-13. A desk audit of the position was done by the servicing personnel office (SPO) in 1995, and in 1999 by a personnel specialist from another state office, to determine the accuracy of the GS-13. Both audits reaffirmed the GS-13 grade, and Xx. Xxxxx is now pursuing his right of appeal to the Bureau level.

Telephone interviews were conducted with the appellant on March 20, 2000; xxx xxxxxxxxx supervisor March 21, 2000; Xxxxxxxxxx Xxxxxx Xxxxxxxxx (XX) April 3, 2000 and a large number of various other personnel having knowledge of the appellant's work. In addition, the appellant submitted considerable background information to support his request. All written and oral information received is considered in determining the grade for this position.

The appellant and his supervisor characterize the position's assignments as primarily project work. He is currently working on two large mineral reports located in Xxxxxxxxxx (Xxxxx Xxxxx Xxxx) and Xxxxxx (Xxxxxx Xxxxxxxx).

In addition, he is one of a panel of eight BLM certified reviewers providing final technical quality control review for "grand fathered" BLM and Forest Service mineral patents under a congressional mandate. This is a five-year project scheduled to run until September 30, 2001, the purpose of which is to clear up an approximate ten-year backlog.

The review process begins with a review of the patent received from the originating office at the state office level. It is then submitted to the XX Xxxxxxxxx who in turn assigns the patent to one of eight certified reviewers. The certified reviewer confirms the accuracy, and requests any necessary modifications and/or changes (may be returned to the state office if substantive changes are required) and decides the validity of the patent by performing a set of tasks that include interpretation and economic evaluation of the deposit, interpretation of the sampling findings, cash flow (operating costs and estimated profits), etc. At this stage in the patent approval process, it is extremely important that any and all mistakes are found and corrected. With reviewer approval, the patent is then submitted back to the XX who in turn sends it to the Solicitor's Office for final legal review. It is then sent to the Secretary of the Interior for signature.

Xxxxx Xxxxxxx is the XX Xxxxxxxxx, GS-1350-XX and team lead for the XX project. He said he has assigned the appellant 8 to 10 patent review cases, and will probably assign him another 25 cases that will likely take most of the appellant's work time until the project ends in 2001.

Xxx Xxxxxx, Xxxxxxxxxxx Xxxxxx Xxxxxxxxxx, GS-1170-XX, Xxxxx Xxxxx Xxxxxx supervises the appellant and states that the appellant has frequent contact with the Department of the Interior's Solicitor's Office (Xxxxx and XX) in his area of expertise, mining and mineral law and regional and field geology. In addition to the Solicitor's Office, the appellant's list of contacts for advisory assistance includes the various BLM state offices and training center, Forest Service regional office mining geologists, Park Service mineral leads, other agencies as well as the Solicitor's Office, and various organizations. He also provides advisory services and assistance to drop in and telephone contacts by the general public and various interested parties.

The appellant agrees with the XX assessment that the headquarters review of mineral reports five-year plan will take the majority of his time, as well as the other primary use of his time and provide regional and field geology and mining and mineral law guidance. About 75% of his time is spent on the patent review project (45%) and providing advice and guidance (30%). He also says that his work serving as Bureauwide project manager of the Geological Heritage Program has been reduced from a high of 50% (PD of record assigns 25%) to about 5%. Project management for regional initiatives performed 10% and, other related duties for Xxxxx'x geology and minerals program 10%.

References: Office of Personnel Management (OPM) Job Family Standard for Professional Physical Science Work, GS-1300P, December 1997; Introduction to the Position Classification Standards, December 1996; 5 CFR

DECISION

Determination of Series and Title:

The SPO assigns this position to the GS-1350 Geology Series. Positions assigned this series to include professional scientific positions applying knowledge of the principles and theories of geology and related sciences in the collection, measurement, analysis, evaluation, and interpretation of geologic information concerning the structure, composition, and history of the earth. This includes the performance of basic research to establish fundamental principles and knowledge to a variety of scientific, engineering, and economic problems. We agree with the SPO allocation of the position to the GS-1350 series and title of Geologist. The appellant does not controvert the title or series of his position.

Determination of Grade:

The GS-1300P Job Family Standard for geology work provides grading criteria for nonsupervisory professional positions in the geology series. This standard includes appropriate

language from the law and grade level data (the standard). The law and grade level data are supplemented by illustrations of work appropriate to each grade level. Positions are graded as a whole against the criteria found at differing grades of the standard, and classified to the grade that best represents the overall demands of the work, i.e., knowledge requirements, complexity, scope and effect, responsibility.

At the GS-12 level, an employee is typically involved in planning, executing, and reporting on original studies or ongoing studies requiring a new approach to resolve new problems. The complexity of assignments requires extensive modification and adaptation of standard procedures, methods, and techniques, and the employee is required to develop totally new methods and techniques to address problems that do not have substantially applicable guidelines or precedents. Assignments also typically include considerable breadth, diversity, and intensity; varied, complex features; and novel or obscure problems, and require considerable initiative and resourcefulness. Unless matters of policy or program resources are involved, there is no close review of the work and recommendations are normally accepted. Study reports and scientific papers are considered to be authoritative scientific documents. Illustrations include the following summary representing the complexity, depth of independence, and scope of assignments.

> Performs scientific and technical evaluation, correlation, synthesis, and presentation of important data in a complex field of science, i.e., wave action in the Indian Ocean. Assures that special equipment is procured, modified and installed for research. Plans, coordinates, and implements tests and conducts significant surveys. Makes significant technical and scientific recommendations and decisions in a broad but highly specialized field of oceanography. Generally, conclusions and publication material are accepted as final unless matters of agency policy are involved.
>
> Plans very significant projects, advises on improvement of instrumentation or procedural methods, and ensures that special equipment is procured, modified, and installed. Plans, coordinates, and implements tests and conducts the projects. Uses initiative, resourcefulness, and past personal experience to deviate from established approaches and precedents to develop methods and procedures and to apply basic principles and theories. Often develops new methods, techniques, or precedents to plan and carry out assignments. Work and conclusions are accepted as technically authoritative and are reviewed only for meeting objectives.
>
> Develops long-range plans, programs, and/or precedents of an authoritative and state-of-the-science nature. Develops and modifies forecast procedures, develops procedures for specialized forecasts for which no procedures exist, and exercises considerable initiative and resourcefulness in carrying out assignments to completion. The employee makes changes without securing prior approval.
>
> Analyzes and reviews seismic data for input to computer programs that determine epicenters and magnitudes of earthquakes. Participates in disseminating information to

the public, the new media, and other government agencies and disaster relief agencies. Plans and conducts novel studies of selected events and in conjunction with other scientists. Provides training and reviews work performed by lower-graded scientists. Plans and manages assigned projects, interprets policy in terms of established objectives, resolves problems, and coordinates work with others. Work is reviewed for determining the accomplishment of overall objectives.

In the Bureau, GS-12 is typical of state office positions. These positions provide advisory assistance to field offices. For example, they interpret XX policy statements; develop local policy statements; request, review, and compile reports and other work products that are submitted to the state office for re-submission to the XX. Some positions may perform highly specialized projects and studies having statewide impact. At this level, positions may be considered state office technical experts in a specialized field.

The GS-13 level is a *senior technical expert level, involving work for which technical problem definitions; methods and/or data are highly incomplete, controversial, or uncertain. The work represents an authoritative source of consultation for other scientists and program specialists.* Employees at this level are called upon to perform a *key role* in resolving issued that significantly affect scientific levels. They make long-range and controversial proposals and defend their finding and recommendations in public or high level forums. Characteristically, they represent their organizations or programs or the Government's interests, in some cases including representing the agency before public bodies on controversial projects.

A summary of illustrations that are included in the standard at the GS-13 level representing the complexity, depth of independence, and scope of assignments follows.

Leads projects covering a wide range of geologic conditions and problems associated with geotechnical and/or geophysical issues for an extensive geographical area. Resolves major conflicts between geologic, economic, and management requirements and coordinates with land owners, tribes, the public, industry, and state agencies. Develops new methods and techniques and coordinates the findings of multi disciplinary specialists working under critical time constraints. Handles the interrelated, emerging, complex, and frequently conflicting nature of Federal, state, and local laws and regulations that govern the management of natural resources and the environments (e.g., Federal and tribal lands, minerals, mining, wilderness, and endangered species).

Develops new chemical analytical procedures to be used by the industry to determine decomposition, degradation, or contamination of foods, or the substitution of other products for those shown on labels. Plans and performs investigations to develop new methods and means of validating findings. Establishes new criteria or extends existing methodology. Applies new developments and theories to critical and novel problems. Extends and modifies approaches, precedents, and methods to solve a variety of problems

with unprecedented and obscure aspects. Study findings are incorporated into agency guidelines and regulations and affect industry practices nationwide.

Independently provides expert, comprehensive radiation safety oversight to a segment of a large, complex biomedical research facility. Provides technical guidance to researchers and junior health physicists. Participates in the design or renovation of work space, and coordinates emergency response activities in support of hundreds of research laboratories in a wide variety of radioactive materials and other radiation sources are used. May also serve as a liaison and technical expert to unique specialty groups within the organization. Participates in developing safety policies and procedures, independently develops innovative techniques for accomplishing tasks for which there is no precedent, prepares highly technical position papers representing the organization, and/or provides expert technical advice and assistance to junior health specialists. Determines approaches to be used and information needed and is responsible for results. Evaluation and recommendations made are accepted as those of a technical expert in his or her area.

Responsible for assigned projects involving the development of optical sensor technology for advance ballistic missile defense systems. Performs studies and investigations in assigned technology areas. Performs conceptual studies and analyses. Applies physics in formulating requirements to integrate new technology into advanced concepts. Plans and coordinates assignments with other agencies and contractor personnel to assure full integration of technology into the ballistic missile defense system concepts. Discusses work assignments, objectives, and priorities with supervisor in broad general terms. Informally reports the progress of assignments to the supervisor. Receives little or no technical guidance. Recommendations and conclusions are accepted as technically sounds, and work is reviewed primarily for feasibility in relations to requirements, fiscal constraints and coordination with other activities, and attainment of objectives.

At the GS-14 level, responsibilities tend to involve highly unstructured and interconnected problems involving both difficult technology *and* complex human relations or programmatic issues. This level typically has special significance for the success of the organization. For example, it may have significant direct effects over a wide region, over multiple programs or, may include responsibility for a new technology especially critical to the organization's programs, e.g., it may have significant direct effects over a wide region or over multiple programs or may include responsibility for a new technology especially critical to the organization's programs. Typically, assignments include a wide area of responsibility carried out under administrative direction in terms of broad agency policies, objectives, and mission statements. Also at this level, the scientist is one that other recognized senior technical experts turn to for advice and counsel, not only because of the position, but also because of the incumbent's personal reputation.

A summary of illustrations that are included in the standard at the GS-14 level representing the complexity, depth of independence, and scope of assignments follows:

Serves as a project manager who establishes and implements top level strategy, objectives, and performance measures. Assignments include obscure and novel problems that are handled by planning and carrying out either individual projects or major studies. Work includes such complicating factors as accepted solutions of one project may be in direct conflict with the accepted solution of another.

Manages extensive projects to combine cartographic technology from several military services into a single set of electronic cartographic tools. Develops and maintains plans, including personnel, budget, hardware, software, and schedule resources. Represents the agency on technology and functional steering groups and working groups, and represents the project in dealings with senior management of various agency components, other government departments, and foreign representatives to establish goals and/or resolve conflicts.

Serves in an agency as the senior health physicist responsible for evaluating, providing information, or developing hypotheses regarding the pathways of radioactive chemical exposure to humans. Isolates and defines unknown conditions, resolves critical problems, or develops and establishes new approaches and guides. Deals with obscure and novel problems and provides consultation to other Federal, state and local agencies. Work efforts affect the work of scientific officials, or the development of major segments of the agency's programs.

Serves as the radiation safety officer for a facility, overseeing a comprehensive radiation safety program in support of hundreds of individuals using radioactive materials and/or radiation sources. Advises senior health physicists on the most unusual, complex and critical problems identified during their review of experimental procedures and, during the emergency responses. Plays a *lead role in policy development*, and coordinates and administers a comprehensive training program in which thousands of researchers use radioactive materials and/or other radiation sources.

Serves as project chief for multi disciplinary groundwater monitoring projects that are typically *nationwide* in scope or have transfer value in defining basic processes that will impact the science *nationwide.* Develops project plans, including the schedules, personnel, budgets, and reports required and the goals for each discipline area. Searches out and studies new approaches and development specific applications to the projects. Coordinates the schedules and objectives with various other professional disciplines (hydrologists, chemists, geologists, and other support scientists) involved in the study, and reviews reports from each discipline area to ensure project objectives are met, sound quality assurance practices are applied, and methodology and results are accurate and consistent. Prepares consolidated reports and journal articles on the approaches used and results obtained, and makes formal presentation to Federal agencies, university, and professional societies, and state and local government organization.

Although the appellant's assignments include state office work typically found at the GS-12 level, his regular and continuing assignments are best evaluated at the GS-13 grade level.

As described at the GS-13 level in the standard and illustrations, the appellant functions at a *senior expert level* and works with technical problems typically having highly controversial, uncertain, or incomplete data, definitions, and/or methods. Due to his expertise in regional and field geology, much of his project work consists of high profile complex assignments outside the Xxxxx Xxxxx Xxxxxx, such as the mineral reports for the Xxxxx Xxxxx and Xxxxxx Xxxxxxxx projects. He reviews and coordinates fieldwork. He develops legislative or regulatory proposals. He assists the headquarters office, i.e., his selection on the XX mineral patent reviewer team. Because of the appellant's acquired expertise in mineral and mining law as well as his expertise in regional and field geology, he assists and represents the Government's interests before a variety of bodies, and advises the Solicitor's Office, Park Service and Forest Service, and various private groups and individuals. He performs his work assignments while duty stationed in the Xxxxx Xxxxx Xxxxxx, assigned to Lands and Minerals and under the supervision of the Supervisory Realty Specialist.

The appellant has authored numerous publications, i.e., books, manuals, and papers on the subjects of mineral and mining law, regional and field geology beginning in 1977 with publication of *Handbook of Mineral Law*. He regards the success of his continued and numerous publications, a major factor in his request for an upgrade of his position.

In determining whether we needed to consider the appellant's publications and if they played a predominate roles in the classification to upgrade his position to STS status, we asked for and received additional information from the SPO as well as the WO/Bureau Ethics Counselor. Both offices stated that they have subject matter knowledge of the various publications, and fees and royalties the appellant received and continues to receive. They have determined that the work meets Title 5 Code of Regulations (CFR) criteria to be considered outside employment and unrelated to the appellant's official duties. In support of this determination, we received a copy of the latest financial disclosure approval letter from the Bureau Ethics Counselor.

The SPO confirmed that the appellant's writing accomplishments were recognized and played a prominent role in the 1983 decision to reclassify the position from GS-12 to a Bureau STS at the GS-13. They again recognized these accomplishments in their reviews of the position in both 1995 and 1999, but they determined that the position's grade was not impacted. We agree that the publications provide evidence that should be recognized in support of the appellant's STS status. However, we also agree that such accomplishments are relevant only in that they support the appellant's STS status and do not support an upgrade.

Although the appellant believes that his assignments merit a GS-14, an overall review of his work does not indicate that his typical responsibilities are at this level. His work does not involve difficult technology, complex human relations, or programmatic issues that are indicative of the GS-14 level; nor does his work have *special* significance for the success of BLM and/or

Interior programs. The appellant is not considered a XX employee and is not assigned to the headquarters office. He would therefore have no authority or responsibility for the success of Bureauwide programs. There is also no evidence that his assignments involve complex human relations.

At this level, the appellant would also need to be recognized by other scientists who are senior technical experts and who regularly and on a continuing basis, turn to him for advice and council. Advisory services performed by the appellant are a major part of the position, but they are not particularly aimed toward other senior technical specialists, nor are advisory services to other senior technical specialists a requirement of the position. Rather, his advisory services are available upon request to a variety of offices, groups, or individuals having an interest and/or requiring assistance in minerals and mining law and geology. In addition, there is no evidence that his lectures and training sessions are developed for senior technical specialists, but rather for Government employees without regard to status or grades, and for other interested individuals and groups.

The appellant's mining patent review casework is not a unique assignment, but is shared with other geologists located in various state offices. The team lead is a XX employee who assigns cases individually to a team of eight reviewers, all of whom have been selected because they are certified and not because of their grades or the positions they encumber.

The appellant encumbers a field office position that performs complex project work, advises and assists other BLM state office lead positions, other field offices and regional offices, provides assistance as needed to the XX, and is recognized as an expert in mineral and mining law and regional and field geology. This position is best characterized as a *Senior Technical Expert* and assigned to the GS-13.

Decision:

Decision: Geologist, GS-1350-13

Interviews conducted by Shirley A. Girard.

Mark Whitesell
Supervisory Personnel Management Specialist